

**ENTERED**

March 04, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISIONIGNACIA CARMONA, *et al.*,

Plaintiffs,

VS.

CITY OF BROWNSVILLE, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:23-CV-084

**ORDER**

In June 2023, Plaintiff Ignacia Carmona filed this action on behalf of herself as the mother of Veronica Carmona, as the representative of Veronica's estate, and as the next friend of Veronica's children. She named as defendants the City of Brownsville, Brownsville Police Officers Jesus Olvera and Pedro Dominguez, and John Doe Officers 1-15. As relevant here, Plaintiffs allege that unidentified jail staff failed to attend to Veronica's medical needs while she was a pre-trial detainee in the Brownsville City Jail following a vehicular accident on June 17, 2021.

Shortly after Plaintiffs filed their lawsuit, the named Defendants filed motions to dismiss based on Federal Rule of Civil Procedure 12(b)(6). (City's Mot., Doc. 15; Officers' Mot., Doc. 16) A few weeks later, Plaintiffs filed their First Amended Complaint (Doc. 27), adding factual allegations and withdrawing their claims in negligence and under Texas's Wrongful Death Act. (Am. Compl., Doc. 27)

In August, Plaintiffs filed a motion for leave to file a second amended complaint to add defendant Joan Sellers, a detention officer allegedly involved in booking Veronica at the Brownsville City Jail. (Mot. to Amend, Doc. 40, 4)

A Magistrate Judge recommends that Plaintiffs' Motion to Amend be denied as untimely and as futile. (R&R, Doc. 47) In addition, the Magistrate Judge recommends the sua sponte dismissal with prejudice of the causes of action against John Doe Defendants 1–15. (*Id.* at 17–18

citing *Alexander v. Trump*, 753 F. App'x. 201, 208 (5th Cir. 2018) (noting that a Magistrate Judge's recommendation of the sua sponte dismissal of claims, with opportunity for the parties to object, provides adequate notice and fairness to permit the dismissal)).

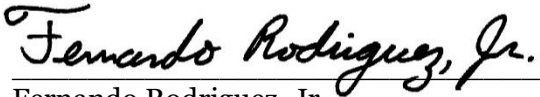
No party filed objections to the Report and Recommendation, and the Court finds no clear error within it.

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 47). It is:

**ORDERED** that Plaintiff Ignacia Carmona's Motion for Leave to Amend Second Amended Complaint and Motion to Extend Service Deadline (Doc. 40) is **DENIED**; and

**ORDERED** that Plaintiffs' causes of action against John Doe Defendants 1–15 are **DISMISSED WITH PREJUDICE**.

Signed on March 4, 2024.

  
Fernando Rodriguez, Jr.  
United States District Judge